

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Applicant respectfully disagrees with the Examiner's Statement of Reasons for Allowance to the extent there is any implication that the patentability of the claims rests on the recitation of a single limitation because it is the claim, taken as a whole, that is patentable. For instance, Claim 1 recites:

1. A method of determining an analyte concentration in a sample, the sample comprising the analyte and a substance, the method comprising:
 - providing absorption data of the sample;
 - providing reference absorption data of the substance;
 - calculating a substance contribution of the absorption data, wherein calculating the substance contribution comprises scaling the reference absorption data by multiplying the reference absorption data by a scaling factor, the scaling factor allowing for calculation of a pathlength-independent quantity;
 - subtracting the substance contribution from the absorption data of the sample, thereby providing corrected absorption data of the analyte substantially free of a contribution from the substance;
 - using the corrected absorption data to calculate analyte concentration in the sample; and
 - providing the analyte concentration to a user.

Accordingly, Applicant submits that Claim 1 is allowable because the prior art does not teach or suggest the combination of features as recited by this claim.

To take another example, Claim 14 recites:

14. A method of determining an analyte concentration in a sample, the sample comprising the analyte and a substance, the method comprising:
 - providing absorption data of the sample;
 - providing reference absorption data of the substance;

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calculating a substance contribution of the absorption data, wherein calculating the substance contribution comprises scaling the reference absorption data by multiplying the reference absorption data by a scaling factor; ~~and~~

subtracting the substance contribution from the absorption data of the sample, thereby providing corrected absorption data of the analyte substantially free of a contribution from the substance, wherein the reference absorption data is corrected for wavelength-dependent nonlinearities; and

storing the corrected absorption data in a memory.

Accordingly, Applicant submits that Claim 14 is allowable because the prior art does not teach or suggest the combination of features as recited by this claim.

As with these two examples, each of the other allowed claims of the present application, each one taken as a whole, are also allowable because they each recite a combination of features that is not taught or suggested by the prior art.

Respectfully submitted,

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